

17 OCT 78

OGC Has Reviewed

MEMORANDUM FOR: Executive Officer, OL

FROM:

[REDACTED]
Chief, Plans and Programs Staff, OL

SUBJECT: Proposed Intelligence Charter Legislation,
Title IV, S.2525

REFERENCES:

- a. Memo to AI/DDA fm AGC dtd 1 Sept 78,
same subj (OGC 78-5838)
- b. Multi adse memo fm AI/DDA dtd 19 Sept 78,
same subj (DDA 78-1050/6; OL 8 4382)
- c. Memo to DDA fm D/L dtd 15 Aug 78, same
subj (OL 8 3873)

1. Per your request, we have compared reference a with our comments submitted to the DDA in reference c and have confirmed that Office of General Counsel (OGC) has noted all of our concerns.

2. The following is a comparison of these two papers:

a. OL Comments:

Section 421: The provision for rental of real property within and outside the United States has been eliminated.

OGC Comment:

Section 421(a)(5): It was intended that Section 422(a) would provide overall, broad procurement authority. This has satisfied no one, and we are requesting the restoration of 421(a)(5).

b. OL Comment:

(1) Section 422: There are no specific provisions for [REDACTED]

OL 8 4702

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(2) There are no specific provisions for the transfer or assignment of Government property to foreign governments.

OGC Comment:

Section 422: The whole area of [] and how best to explain it to the Congress is under discussion in OGC.

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c. OL Comment:

Section 422: The paragraph does not specifically provide for the procurement, storage, and maintenance of ammunition and ordnance material.

OGC Comment:

Section 422(a): With a sufficiently broad procurement authority, there would appear to be no real need to mention ordnance specifically.

d. OL Comment:

Section 422: The provisions for DCI waiver should also extend to Federal Property Management Regulations (FPMRs) when deemed necessary by the Director.

OGC Comment:

Section 422(b): This suggestion seems appropriate and will be proposed to the SSCI staff.

e. OL Comment:

There appears to be no provision in the legislation for the Agency to provide logistics support to other Government agencies not specifically identified with intelligence activities. Mutual aid and support between Government agencies is common practice in government when it is deemed to be in the best interest of the government. We presume that participation by the Agency will not be limited or excluded under Title IV.

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OGC Comment:

We are proposing an addition to Section 424(2) to make clear the authority to continue to maintain relations with nonintelligence agencies.

3. Reference b notes that the area in the legislation dealing with proprietaries is still a matter of concern. [redacted] who is assigned by OGC to work on the proposed bill, stated that OGC believes the subject is of sufficient importance to warrant a section of its own.

4. We reviewed the proposed draft of Section 423, Proprietaries, which now pulls together under this section all references to proprietaries. There are no substantive changes in the legislation resulting from this separate section.

5. We solicited comments from Procurement Management Staff and Procurement Division (PD). PD agrees with OGC that the threshold of \$50,000 for reporting the liquidation of proprietaries be raised. PD recommends at least \$100,000; according to [redacted] OGC may be going for \$300,000.

6. Before contacting OGC, [redacted] DDA/IA. Since [redacted] is not familiar with the legislation, it was agreed that Pete should deal with OGC. Jim [redacted] stated that he did not need a written response from the Office of Logistics on our comments.

Distribution:

- 0 - Adse
- ① - OL/P&PS (Official)
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OL/P&PS [redacted]

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